

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Def#1) Jose Angel GARCIA-Gonzalez
Def#2) Alfonso VALENTINO-Casecas

Defendant(s)

Magistrate Case No.

08 FEB 13 04 15

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

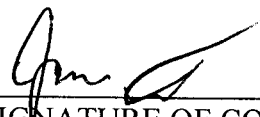
Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal Aliens

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **February 11, 2008**, within the Southern District of California, defendants **Jose Angel GARCIA-Gonzalez and Alfonso VALENTINO-Casecas** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Domingo MATIAS-Gonzalez, Andrea PEREZ-Matias, and Josefina PEREZ-Matias** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 13th DAY OF **February, 2008**



Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

FAS

Def#1) Jose Angel GARCIA-Gonzalez,

Def#2) Alfonso VALENTINO-Casecas

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Domingo MATIAS-Gonzalez, Andrea PEREZ-Matias, and Josefina PEREZ-Matias** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 11, 2008, at approximately 7:50 a.m., Supervisory Border Patrol Agent J. Wallace responded to a report from San Diego County Deputy Sheriff A. Marentes, of a silver Chevrolet Suburban that was possibly involved in alien smuggling aliens near the San Diego Sheriff's Firearms Range on Alta Road in Otay Mesa, California. Supervisory Border Patrol Agent J. Fillipi had relayed the report to Agents. The area is approximately two miles north of the United States/Mexico International Border and approximately one mile east of the Otay Mesa, California Port of Entry.

Agent Fillipi relayed that the Silver Suburban was westbound on state route 905 and did not have license plates. Agent Wallace and Agent Dailey, both operating in plainclothes and driving unmarked Bureau vehicles, established surveillance on SR 905 near the intersection of Interstate 805. Agent Wallace observed a silver Chevrolet Suburban with no visible license plates appearing heavily laden pass by his location. Agent's Wallace, Dailey and other unmarked Border Patrol units began to follow the vehicle. The vehicle continued westbound on Interstate 905 then north on Interstate 5 to National City, California. The vehicle was then spotted on State Route 94 westbound exiting at 28th Street. Senior Border Patrol Agent's B. Soto and E. Blas observed the Silver Suburban as it exited on to 28th Street and then lost sight of it.

Agent Wallace responded to the area of where the vehicle was last seen. At the corner of E Street and 27th Street in San Diego, Agent Wallace observed an individual later identified as the Defendant #1 **Jose Angel GARCIA-Gonzalez** walking southbound toward his location. Agent Wallace observed GARCIA speaking into a cellular phone as he walked at a brisk pace. Agent Wallace drove past GARCIA and made eye contact with him just as Agent Wallace was raising his portable radio. It appeared to Agent Wallace that GARCIA had recognized the vehicle and had associated it with law enforcement. Agent Wallace also observed that GARCIA appeared very surprise as his eyes visibly enlarged at the presence of the agent. Agent Wallace, based on his officer experience, the load vehicles close proximity and the subjects' demonstrative behavior, believed that GARCIA may be part of the alien smuggling associated with the Silver Suburban. Agent Wallace identified himself as a Border Patrol Agent and displayed his Bureau badge. Agent Wallace asked GARCIA if he was a citizen of Mexico and GARCIA stated that he was U.S. Citizen in the Spanish Language. Agent Wallace asked GARCIA for identification and he presented a Mexican Voter Registration Card in his name. Agent Wallace asked GARCIA if he had any immigration documents allowing him to remain in the United States legally and he replied that he did not. At 9:30 a.m., Agent Wallace placed GARCIA into custody.

Agent B. Soto was able to located the Silver Suburban at 26th Street and Broadway and began looking for the occupants of the vehicle. At 25th and Broadway, Agent Soto, along with Senior Patrol Agent B. Desrosiers, observed two male Hispanic subjects walking. Agents' Soto and Desrosiers drove by both subjects, including one later identified as defendant #2, **Alfonso VALENTINO-Casecas**.

CONTINUATION OF COMPLAINT:**Def#1) Jose Angel GARCIA-Gonzalez,****Def#2) Alfonso VALENTINO-Casecas**

FAB

VALENTINO was observed talking on a cellular phone and appeared lost and nervous. Agent Soto exited his unmarked bureau vehicle, approached both subjects, identified himself as a U.S. Border Patrol Agent verbally and by displaying his bureau issued badge. Agent Soto questioned both subject as to their citizenship and nationality. Both subjects including VALENTINO stated that they were undocumented citizens and national of Mexico illegally present in the United States. Further VALENTINO stated that he had just bailed out of a Silver Suburban. At 9:45 am, Agent Soto placed both subjects under arrest and had them transported to the Chula Vista Station for processing.

Agent Soto continued to search for any remaining subjects around nearby businesses and alley ways between 25th street and 26th street just south of C Street. After searching some nearby trash dumpsters he observed thirteen subjects concealed inside. Agent Soto identified himself as a United States Border Patrol Agent and questioned each subject as to their citizenship and nationality. Each subject stated that they were citizens and nationals from Mexico. Agent Soto asked each subject if they had just bailed out of a Silver Suburban. They all replied "Si". "Si" is "yes" in the Spanish language. Agent Soto asked each subject if they possessed any immigration documents that would allow them to enter or remain in the United States legally. Each subject stated that they did not. At 10:00 am, all thirteen subjects were arrested and transported to the Chula Vista Border Patrol Station for processing.

DEFENDANT STATEMENT: Jose Angel GARCIA-Gonzalez

GARCIA was read the Miranda rights and was willing to answer questions without an attorney present. GARCIA freely admitted to being a citizen and national of Mexico illegally present in the United States. GARCIA further stated that on January 15, 2008, he illegally entered the U.S./Mexico International Border by walking across the border, through the hills, near Otay Mesa, California. GARCIA stated that he knew it was a crime to enter the United States in such a manner.

GARCIA was questioned as to his presence near Broadway and 27th Street in San Diego, California. GARCIA stated at first that he lives near the area of L St and 25th Street, San Diego, California. After being questioned about his specific address, GARCIA recanted his story then stated that he went to pick those people up. When asked as to who "those people were" GARCIA stated he was referring to the smuggled aliens hiding in the trash dumpster. Garcia was asked to explain the events that had transpired today. GARCIA stated a person named Pedro Aguilar approached him in the morning and asked him if he would go with him to pick some people up. GARCIA stated that he met Aguilar about a week ago at a Taco Shop. GARCIA stated that he asked Aguilar for work and a place to live. GARCIA stated that Aguilar did not have work for him but allowed him to live in the Suburban. GARCIA was confronted with eyewitness reports that saw him specifically loading people into the Suburban and then leaving the area at a high rate of speed. GARCIA stated he was only a passenger and he never drove the Suburban. GARCIA continued to deny that he was the driver and blamed Aguilar for the reckless driving. GARCIA stated that during whole event he was falling asleep and could not recall any of the alleged reckless driving. GARCIA recalls driving to Otay and State Route 905 and arriving at a 7-11 convenience store. GARCIA was confronted with the known inconsistencies, false statements, and omissions in his statement. GARCIA claimed he was not lying. All questioning stopped at this time.

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CONTINUATION OF COMPLAINT:**Def#1) Jose Angel GARCIA-Gonzalez,****Def#2) Alfonso VALENTINO-Casecas****DEFENDANT STATEMENT: Alonso VALENTINO-Casecas**

VALENTINO was read the Miranda rights and was willing to answer questions without an attorney present. VALENTINO freely admitted to being a citizen and national of Mexico illegally present in the United States. VALENTINO said he illegally crossed the U.S./Mexico border on February 10, 2008. VALENTINO admitted that he is a foot guide and has been guiding for approximately one year. VALENTINO stated that on February 10, 2008, he smuggled fourteen illegal aliens. VALENTINO stated that he was going to be paid \$800.00 MXN pesos per smuggled alien.

VALENTINO stated that on today's date he arrived to an area near the prison. VALENTINO stated that a few minutes later a Silver Suburban showed up. As the group was being loaded into the Silver Suburban VALENTINO stated they saw a "Civil." A "civil" is a Spanish slang term used for unmarked law enforcement vehicles. VALENTINO stated that all he heard was someone, possibly the load driver, yell "Apurrense." "Apurrense" is Spanish for hurry up. The pursuit began immediately after all the aliens loaded into the vehicle. VALENTINO stated in the past he has successfully smuggled over five hundred illegal aliens into the United States. VALENTINO stated this was the first time he has smuggled a group of illegal's and loaded with them into the load vehicle. VALENTINO stated he was surprised by the intensity and violence of the load drivers. VALENTINO stated that he insures that all the smuggled aliens he personally crosses make it to their intended destination safely.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Domingo MATIAS-Gonzalez, Andrea PEREZ-Matias, and Josefina PEREZ-Matias** admitted in summary statements that they are citizens and national of Mexico illegally present in the United States. Material witnesses stated that they illegally entered the United States in a group of 14 individuals with the aid of an alien smuggler/foot guide. They walked through the mountains until they reached a point on the highway where they were told to wait for a vehicle. The material witnesses stated that a truck arrived soon after and pick them up. The truck then sped away and the Border Patrol later stopped it and arrested everyone inside. The material witnesses also stated that they feared for their lives when they were in the load vehicle.